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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,547	03/10/2004	Jay McNally	G-231	4408
919 7590 04/13/2007 PITNEY BOWES INC. 35 WATERVIEW DRIVE P.O. BOX 3000 MSC 26-22 SHELTON, CT 06484-8000			EXAMINER EHNE, CHARLES	
			ART UNIT 2113	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			04/13/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/797,547

Applicant(s)

MCNALLY ET AL.

Examiner

Charles Ehne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-7 and 11-14 recite the limitation "the further data storage" in line 1.

There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Vargas (2004/0204085).

As to claim 1, Vargas discloses a system for recovering electronic documents archived in a data storage mechanism comprising:

a computer connected with said data storage mechanism, where the computer retrieves a stored data file comprising electronic document data information and further

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wherein the retrieved stored data file is analyzed based on file content and file characteristics, and categorized into one or more of a plurality of distinct categories (Page 6, ¶0072, lines 10-18 & ¶0073 lines 1-4 & ¶0075 lines 1-4).

As to claim 2, Vargas discloses the system of claim 1, wherein the computer is connected via a network connection to the data storage mechanism (Figure 1, Page 2, ¶0029, lines 8-16).

As to claim 3, Vargas discloses the system of claim 1, wherein the computer is connected via a wireless network connection to the data storage mechanism (Figure 1, Page 2, ¶0029, lines 8-16).

As to claim 4, Vargas discloses the system of claim 1, wherein the further data storage mechanism is a hard drive (Page 3, ¶0035, lines 12-16).

As to claim 5, Vargas discloses the system of claim 1, wherein the further data storage mechanism is a tape drive (Page 3, ¶0035, lines 12-16).

As to claim 6, Vargas discloses the system of claim 1, wherein the further data storage mechanism is a DVD (Page 3, ¶0035, lines 12-16).

As to claim 7, Vargas discloses the system of claim 1, wherein the further data storage mechanism is a CD-ROM (Page 3, ¶0035, lines 12-16).

As to claim 8, Vargas discloses a method for recovering electronic documents archived in a data storage mechanism comprising the steps of:

providing a computer with access to said data storage mechanism (Figure 1, Page 6, ¶0072, lines 1-5);

retrieving a stored data file comprising original electronic document data information from the data storage mechanism (Page 6, ¶0072, lines 10-18); and further analyzing the retrieved stored data file based on file content and file characteristics, and categorizing into one or more of a plurality of distinct categories (Page 6, ¶0073 lines 1-4 & ¶0075 lines 1-4).

As to claim 9, Vargas discloses the method of claim 8, wherein the computer is connected via a network connection to the data storage mechanism (Figure 1, Page 2, ¶0029, lines 8-16).

As to claim 10, Vargas discloses the method of claim 8, wherein the computer is connected via a wireless network connection to the data storage mechanism (Figure 1, Page 2, ¶0029, lines 8-16).

As to claim 11, Vargas discloses the method of claim 8, wherein the further data storage mechanism is a hard drive (Page 3, ¶0035, lines 12-16).

As to claim 12, Vargas discloses the method of claim 8, wherein the further data storage mechanism is a tape drive (Page 3, ¶0035, lines 12-16).

As to claim 13, Vargas discloses the method of claim 8, wherein the further data storage mechanism is a DVD (Page 3, ¶0035, lines 12-16).

As to claim 14, Vargas discloses the method of claim 8, wherein the further data storage mechanism is a CD-ROM (Page 3, ¶0035, lines 12-16).

As to claim 15, Vargas discloses the system of claim 1 wherein the stored data file is analyzed using the file's last modified date, file size or MD5 hash value (Page 6, ¶0070).

As to claim 16, Vargas discloses the method of claim 8 wherein said step of analyzing using the file's last modified date, file size or MD5 hash value (Page 6, ¶0070).

As to claim 17, Vargas discloses a method for recovering electronic documents archived in a data storage mechanism comprising the steps of:

providing a computer with access to said data storage mechanism (Figure 1, Page 6, ¶0072, lines 1-5);

retrieving a stored data file comprising electronic document data information from the data storage mechanism (Page 6, ¶0072, lines 10-18);

analyzing the retrieved stored data file based on file content and file characteristics (Page 6, ¶0073, lines 1-4);

categorizing into one or more of a plurality of distinct categories (Page 6, ¶0075, lines 1-4); and

comparing said stored data file to detect deletions or modifications (Page 6, ¶0073, lines 1-4).

As to claim 18, Vargas discloses the method of claim 17 wherein said step of analyzing using the file's last modified date, file size or MD5 hash value (Page 6, ¶0070).

As to claim 19, Vargas discloses the system of claim 1 further comprising a comparison of said stored data files to detect deletions or modifications (Page 6, ¶0073, lines 1-4).

As to claim 20, Vargas discloses the method of claim 8 further comprising a comparison of said stored data files to detect deletions or modifications (Page 6, ¶0073, lines 1-4).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Ehne whose telephone number is (571)-272-2471. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)-272-3645. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert W. Bruns